

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RICKY B. PERRITT, Individually;	§	
The Cupcakery, LLC, a Texas Limited	§	
Liability Company; Buster Baking, LLC,	§	
a Texas Limited Liability Company; and the	§	
Woodlands Baking, LLC, a Texas Limited	§	
Liability Company,	§	
	§	
Plaintiffs	§	CAUSE NO. 4:11-CV-23
	§	
v.	§	
	§	
PAMELA F. JENKINS, Individually; and	§	
The Cupcakery, LLC, a Nevada Limited	§	
Liability Company,	§	
	§	
Defendants.	§	

UNOPPOSED MOTION TO SEAL

Defendants Pamela F. Jenkins (“Jenkins”) and The Cupcakery, LLC, a Nevada Limited Liability Company (“Nevada Cupcakery”) (collectively, Jenkins and The Nevada Cupcakery are the “Defendants”) file this, their Unopposed Motion to Seal and would show the Court as follows:

On January 14, 2011, Plaintiffs filed their Original Complaint and Application for Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, Declaratory Judgment and Damages (Dkt. No. 1) (the “Complaint”). Attached as Exhibit A to the Complaint is a confidential Settlement Agreement. *See* Complaint at Ex. A ¶ 14. Plaintiffs’ pleadings quote to and/or recite the terms of the confidential Settlement Agreement. Additionally, portions of the confidential Settlement Agreement were read into the record during the hearing before this Court on January, 31, 2011. Plaintiffs have

also recited in their pleadings the terms of other confidential agreements regarding ownership and financial information of the Plaintiff and Defendant entities.

Due to the confidential nature of the Settlement Agreement and the other referenced agreements, Defendants request that the following be sealed:

- a. Plaintiffs' Original Complaint and Application for Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, Declaratory Judgment and Damages (Dkt. No. 1), including exhibits;
- b. Plaintiffs' Motion for Temporary Restraining Order Without Notice (Dkt. No. 3), including exhibits;
- c. Plaintiffs' Amended Motion for Temporary Restraining Order Without Notice (Dkt. No. 10); and
- d. Hearing Transcript from hearing dated January 31, 2011.

Accordingly, Defendants respectfully request that the Court enter an Order sealing the documents and information detailed above and request all other and further relief to which they may be entitled.

Respectfully submitted,

/s/Jodie A. Slater

Jodie A. Slater
Texas State Bar No. 24046862

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ATTORNEY FOR DEFEDANTS

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), I certify on January 31, 2011, I conferred with counsel for Plaintiffs regarding the substance of this Motion. On February 3, 2011, I circulated a draft of this Motion to opposing counsel for further conferencing purposes. On February 4, 2011, in response to the February 3, 2011 email, counsel for Plaintiffs stated: "We agreed at the hearing that you could file a motion sealing information your client considered confidential. If you over-reach we can obviously move to unseal." I requested further clarification as to whether counsel for Plaintiffs opposed the sealing of the specific documents listed in this Motion, and on February 5, 2011, counsel for Plaintiffs responded: " . . .we do not oppose the motion **IF** we can get some understanding about how we proceed" in this lawsuit. The Parties have previously agreed to work together on a protective order to be entered in this case.

/s/ Jodie A. Slater

Jodie A. Slater

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Jodie A. Slater

Jodie A. Slater